

Stephen W. Rupp, Trustee (2824)  
**McKAY, BURTON & THURMAN**  
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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:	:	Bankruptcy No. 13-32108 RKM
	:	(Chapter 7)
ROXY CHAMOCHUMBI,	:	
	:	
Debtors,	:	

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**MOTION TO EXTEND DEADLINE FOR FILING COMPLAINTS CONCERNING  
THE DEBTOR'S DISCHARGE AND MOTION FOR TURNOVER ORDER**

The Trustee in the above-captioned case, Stephen W. Rupp, hereby requests that the Court extend the deadline for filing complaints concerning the debtor's discharge. The present deadline is January 27, 2014. The Trustee requests that the deadline be extended for three months or up to and including *April 27, 2014*. The Trustee also requests an order of the Court requiring the debtor cooperate with the Trustee and surrender and turnover books, records, documents, information and properties of the bankruptcy estate by a date certain. The Trustee requests this relief as to the Trustee and U.S. Trustee only. The Trustee requests this relief for the following reasons:

1. The First Meeting of Creditors was conducted on November 26, 2013. In view of that learned at the First Meeting of Creditors, an extensive directive was issued, a copy of which is attached as Exhibit "A."

2. As of the date of the filing of these motions, the debtor has failed to comply with the directive in any way.

3. Under §521 of the Bankruptcy Code, the debtor is required to cooperate with the Trustee as necessary to enable the Trustee to perform the Trustee's duties under this Title. The debtor also has the duty to surrender to the Trustee all property of the estate and any recorded information, including books, documents, records and papers relating to property or claims of the bankruptcy estate.

4. The Trustee considers all that has been requested necessary in complying with the Trustee's duties under §704 of the Bankruptcy Code, including the investigation of the debtor's financial affairs and dealings, the identification of property or claims of the bankruptcy estate, the realization of the value of property of the bankruptcy estate, and the administration of the estate. The debtor's failure to surrender, produce and turnover raises issue concerning the debtor's failure to comply with debtor's duties under §521 of the Bankruptcy Code and Rules and debtor's entitlement to a Chapter 7 discharge.

5. The extension of the deadline will provide the debtor with additional time and opportunity to fully comply with the debtor's duties and is time needed for the Trustee to continue to pursue and accomplish the Trustee's duties in this case.

WHEREFORE, the Trustee hereby requests that the deadline for filing complaints concerning debtor's discharge be extended for three months or up to and including *April 27, 2014*. The Trustee also requests an order of the Court requiring that the debtor surrender, produce and turnover to the Trustee within fifteen (15) days after the entry of a turnover order, the following:

- (a) Full and complete copies of prepared and filed State and Federal personal and business income tax returns for 2011 and 2012.
- (b) Turnover of all payments received and to be received from Raul Villegas from the sale of the debtor's interest in a restaurant. As learned at the First Meeting of Creditors, these payments are \$500.00 a month. The debtor should turnover all payments received and to be received, including the \$500.00 payments received on or about November 5, 2013, December 5, 2013 and January 5, 2014 and all future payments.
- (c) Turnover all rental income of \$420.00 per month since October 24, 2013.
- (d) Provide the address of Laura Skinner.

- (e) Identify all transfers of property, including restaurant property to family and friends identifying the transferee and the date of transfer and the item transferred.
- (f) Amend Questions 1, 18 and 10 of the Statement of Financial Affairs.
- (g) Appropriately amend Form 22.

The Trustee also requests an order of the Court requiring that the debtor produce full and complete copies of the debtor's prepared and filed personal and business 2013 tax returns immediately upon filing and turnover of any and all refunds immediately upon receipt.

DATED this 17 day of January, 2014.

McKAY, BURTON & THURMAN

By 

Stephen W. Rupp  
Attorneys for Chapter 7 Trustee

**CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on January 27, 2014, I electronically filed the foregoing ***Motion to Extend Deadline For Filing Complaints Concerning the Debtor's Discharge and Motion For Turnover Order*** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

United States Trustee USTPRegion19.SK.ECF@usdoj.gov

I hereby certify that on January 27, 2014, I caused to be served a true and correct copy of the foregoing ***Motion to Extend Deadline For Filing Complaints Concerning the Debtor's Discharge and Motion For Turnover Order*** as follows:

**Mail Service - By regular first class United States Mail, postage fully pre-paid, addressed to:**

**Roxy Chamocho**  
3580 South 300 East  
Salt Lake City, UT 84115

ka\pl\chamocho.mte

/s/ Karin Powell

**EXHIBIT "A"**

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re

*Chamochumbi*

Bankruptcy No.

*13-32108*

Debtor(s)

TRUSTEE'S DIRECTIVE

NOTICE TO DEBTOR(S)

PURSUANT TO RULE 525, RULES OF PRACTICE OF THE UNITED STATES BANKRUPTCY COURT, THESE INSTRUCTIONS FROM THE TRUSTEE MUST BE COMPLIED WITH. IF YOU DO NOT UNDERSTAND WHAT IS REQUIRED OF YOU, DISCUSS THE MATTER WITH YOUR LAWYER.

You are instructed to file with the Trustee, through your attorney, the following documents:

1. AMENDMENTS. You are directed to file amended Statement of Affairs, question(s) # *1, 18, Form 22* Schedules *Personal + business* with a copy to the Trustee not later than *ASAP* *3/1/14*
2. TAX RETURNS. Supply Trustee with full and complete copies of prepared and filed State and Federal tax returns for tax years *2011, 2012, 2013* not later than *ASAP*. Any and all refunds due you are property of the estate, and must be turned over to the Trustee for administration.
3. BOOKS AND RECORDS, including cancelled checks, deposit slips, receipts, ledgers, check registers, financial account statements, inventories, appraisals, audits, and any and all other documents which evidence the financial affairs of debtor(s) and/or *Personal + business* covering months prior to, of and after date of Petition not later than *5/2/12 in project*
4. OTHER. Supply the Trustee with copies of the following:  
*What documents did you have*  
*b) Turnover \$10,000 payments - from Raul Villagas*  
*turnover \$500 you received 11/5/12*  
*c) Turnover rental income \$400/month*  
*d) Address of Crown Skinner*  
*e) What given to family from restaurant + when*  
not later than

All documents requested should be delivered or mailed to Stephen W. Rupp, Trustee, McKay, Burton & Thurman, 170 South Main, Suite 800, Salt Lake City, Utah 84101.

The Bankruptcy Code requires that you cooperate with the Trustee [11 U.S.C. § 521(3)]. If you fail to comply with these instructions or if you supply incomplete or inaccurate information, the Trustee may ask the Court to impose sanctions against you, as provided by Local Rule 525(c).

DATED

*11/26/13*

For Stephen W. Rupp, Trustee